

NOTICE OF PROPOSED RULEMAKING

TITLE 17. DEPARTMENT OF DEVELOPMENTAL SERVICES

BEHAVIOR MANAGEMENT CONSULTANT

The California Department of Developmental Services (DDS) proposes to amend Title 17, California Code of Regulations (CCR), Division 2, Chapter 3, Subchapter 2, Article 3, Section 54342. DDS is proposing to add Certified Behavior Analysts to the list of individuals eligible to provide behavior management services to regional center clients.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action of DDS. The written comment period closes at 5:00 p.m. on August 11, 2000. DDS will only consider comments received at its headquarters by that time. Please submit all comments to the DDS contact person as designated below in this Notice.

PUBLIC HEARING

Two public hearings are scheduled. A public hearing to receive oral and written comments is scheduled for 10:00 a.m. on August 2, 2000. This hearing will be held at 714 P Street, Suite 102, Sacramento, California. Another public hearing to receive oral and written comments is scheduled for 10:00 a.m. on August 7, 2000. That hearing will be held at the Junipero Serra State Building, 320 West Fourth Street, Carmel Room, Section A, Los Angeles, California. DDS requests that persons who make oral comments at either public hearing submit a written copy of their testimony at that hearing. The hearing locations have wheelchair access.

AUTHORITY AND REFERENCE

Authority: Sections 4405 and 4648(a), Welfare and Institutions Code; Section 11152 of the Government Code .

Reference: Sections 4631, 4648(a) and 4691, Welfare and Institutions Code.

INFORMATIVE DIGEST/ PLAIN ENGLISH POLICY STATEMENT OVERVIEW

Currently, Title 17 CCR Section 54342(a)(11)(A) authorizes the following individuals to provide behavior management services to consumers: 1) licensed psychologists, 2) Licensed Clinical Social Workers, 3) Licensed Marriage, Family, and Child Counselors, and 4) "any other licensed professional whose California licensure permits the design and/or implementation of behavior modification intervention services." The proposed regulations would add Certified Behavior Analysts to the list of individuals who can provide behavior management services to consumers.

Applied behavior analysis and management is a distinct field of study which has seen a dramatic increase in the amount of resources devoted to it as a specialized field. DDS has received a petition from the California Association for Behavior Analysis (CAL-ABA) which requests that DDS add Certified Behavior Analysts to the list of individuals who can provide behavior management services to regional center consumers.

Currently, DDS allows certain licensed professionals to provide behavior management services to consumers, even though there is no specified minimum amount of specialized training or education in the field of behavior analysis. Nevertheless, there are now many individuals with masters and doctorate degrees in the field of behavior analysis who cannot be vendored to supply these services. Recognizing that Certified Behavior Analysts have the skills and certification necessary to perform behavior management services, DDS is adding Certified Behavior Analysts to the list of eligible individuals to supply behavior management services.

SMALL BUSINESS DETERMINATION

DDS has determined that the proposed regulations will affect small business. Therefore, DDS has drafted these regulations in plain English. The express terms of the proposed action written in Plain English are available from the agency contact person named in this notice.

LOCAL MANDATE DETERMINATION

DDS has determined that the proposed regulatory action does not impose: 1) a mandate on local agencies or school districts, 2) significant costs or savings to any state agency, 3) costs to any local agency or school district that must be reimbursed in accordance with Government Code sections 17500 through 17630, 4) other nondiscretionary costs or savings imposed on local agencies, or 5) costs or savings in federal funding to the state.

ECONOMIC IMPACT AND BUSINESS ASSESSMENT

The proposed action has been assessed relative to the extent that it will create new jobs within the State of California, help in the creation of new business within the State and the expansion of businesses currently doing business within the State of California. The proposed action has also been assessed relative to the extent that it will eliminate any jobs within the State of California, help in eliminating business within the State or inhibit the expansion of businesses currently doing business within the State of California. Based on DDS's findings, it is anticipated that the proposed action will have a positive effect on the creation of new jobs and businesses, but will have no economic effect on the elimination of existing jobs and businesses within the state, nor will it have an economic effect on the expansion of businesses currently doing business within the State of California.

DDS has determined that the proposed regulations will not have: 1) a significant adverse economic impact on business including the ability of California businesses to compete with

businesses in other states, 2) a significant potential cost impact on private persons or directly affected businesses, or 3) a significant effect on housing cost.

ALTERNATIVES CONSIDERED

DDS must determine that no alternative it considered would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

DDS invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations during the written comment period or at the public hearings.

CONTACT PERSON

Comments and inquiries concerning the proposed action may be directed to:

Attention: Julia Johnson
Department of Developmental Services
Office of Regulations
1600 Ninth Street, Room 240
Sacramento, CA 95814

Phone: (916) 654-3328
Facsimile: (916) 654-1716

AVAILABILITY OF RULEMAKING DOCUMENTS

DDS has prepared and has copies ready for public review of the exact text of the proposed regulations, an Initial Statement of Reasons for the proposed regulations, and all the information upon which the proposed regulations are based. Copies of the initial statement of reasons and text of the proposed regulations, along with all other public records, reports, documentation or other material related to the proposed regulations will be contained in the rulemaking file and will be available for inspection and copying throughout the rulemaking process from the contact person at the above address. In addition, the text, Initial Statement of Reasons and other materials for this rulemaking may be viewed over the internet at www.dds.ca.gov.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After the close of the comment period, DDS may adopt the proposed regulations as described in this notice. If DDS makes modifications that are sufficiently related to the originally proposed text, it will make the modified text, with changes clearly indicated, available for public comment at least 15 days before DDS adopts the regulations as revised. Requests for the modified text should be made to the contact person named above.